

Message Text

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PAGE 01 MONTRE 01891 062235Z

12

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 IO-10 AF-10

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FM AMCONSUL MONTREAL

TO SECSTATE WASHDC 5690

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FROM USREP ICAO

E. O. 11652: N/A

TAGS: EAIR, ICAO

SUBJ: ICAO - COUNCIL MEETING 4 DEC. C-OB 83/5

REF: A) STATE 26167; B) STATE 265950

1. CWP 6081 (REPORT OF 8TH AIRNAV CONFERENCE). COUNCIL TOOK ACTION INDICATED REGARDING ALL RECOMMENDATIONS, WITH EDITORIAL CHANGE.

2. CWP 6075 (REPORT OF LEGAL COMMITTEE), (REF STATE 261671 AND STATE 26590). AS REPORTED SEPTEL, USREP HAD SUGGESTED POSTPONEMENT OF DIPL CONFERENCE UNTIL SOMETIME OCT/NOV AS REQUESTED IN REFTEL (A). IN TODAY'S COUNCIL MEETING USREP THEN HAD TO PROPOSE SEPT 23 TO OCT 15. THIS MINOR POSTPONEMENT NOT CONSISTENT WITH RECOMMENDATIONS THREE DAYS EARLIER BUT USREP POINTED OUT NEED FOR WORK TIME FOLLOWING SUMMER HOLIDAYS, MAXIMUM TIME FOR GOVERNMENTAL PREPARATION, AND FACT THAT CONFERENCE WOULD NOT COINCIDE WITH OTHER WORLD-WIDE MEETING (STATISTICS DIVISION (COMMENCING OCT). DATES MET WITH INDIFFERENT SUPPORT BY FEW, NO OBJECTION BY OTHERS BUT SECGEN WAS REQUESTED GIVE FINANCIAL/ SCHEDULING IMPLICATIONS. HE HAD EXPLORED ALL POSSIBLE ALTERNATIVES DURING THIS CALENDAR YEAR AND REPORTED THAT ANY RPT ANY POSTPONEMENT FROM DATES SUGGESTED (3 SEPT TO 25 SEPT) WOULD REQUIRE CONTRACTING FOR ALL SERVICES BECAUSE COUNCIL/COMMITTEES/

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PAGE 02 MONTRE 01891 062235Z

COMMISSION IN SESSION, THREE PANELS AND STATS DIVISION SCHEDULED

INTRICATELY. RESULT IN COST WOULD BE AT LEAST FIVE TIMES THE CURRENT ESTIMATE OF DOLS 2,300 FOR THREE WEEKS OR DOLS 12 TO 15,000. USREP WITHDREW PROPOSAL BUT PURSUED BALANCE OF U.S. POSITION: (A) THE ANALYSIS OF CONFLICTS BETWEEN NEW INSTRUMENT AND GUATEMALA BE DONE BY WORKING GROUP, (B) THAT WG MEET IMMEDIATELY AFTER LEGAL SUB COMMITTEE APRIL SO AS TO REDUCE INCONVENIENCE AND TRAVEL TIME/EXPENSES OF PARTICIPANTS AND GIVE MAXIMUM TIME FOR PREPARATION AND CONSIDERATION OF WORK BEFORE DIPL.CON. US PROPOSAL ON WG AND MEETING DATES CARRIED 10(US) -0-11 (NIGERIA, MEXICO, LEBANON, JAPAN, ARGENTINA, CANADA, CZECHO, EGYPT, FRG, COLOMBIA, BRAZIL). CANADA HAD STRONGLY RECOMMENDED USE OF RAPPORTEURS, SUGGESTING "PRESIDENT AND DIRECTOR LEGAL COMMITTEE", AND ONE OR TWO OTHERS. FRANCE GAVE MINOR SUPPORT. DIRECTOR LEGAL BUREAU INDICATED ANALYSIS OF CONFLICT MINOR AND COULD BE HANDLED IN SECRETARIAT, AVAILABLE IN JAN., AS ONE ALTERNATIVE. EFFORT WAS MADE BY MEMBERS TO BRING UP COST-SAVING ADVANTAGE BUT SECGEN STATED THAT WORKING GROUP IN APRIL WILL NOT CARRY FINANCIAL IMPLICATIONS EITHER.

3. QUESTION AROSE REGARDING NATURE OF WORKING GROUP (PRES INDICATED THREE ALTERNATIVES: (A) SECRETARIAT COULD APPOINT, IN WHICH CASE REPORT WOULD GO BACK TO SECRETARIAT FOR TRANSMITTAL TO DIPL CON; (B) COUNCIL COULD APPOINT WG AND REPORT COME BACK TO COUNCIL FOR DC; (C) LEGAL COMMITTEE CHAIRMAN COULD NAME WG UNDER DELEGATED AUTHORITY REPORTINT TO DC. ALTHOUGH USREP HAD NO INSTRUCTIONS THIS PART OF POSITION, ALTERNATIVE (B), COUNCIL, SEEMED "LEAST OF THREE EVILS" AND THAT APPROACH WAS ADOPTED. PRES COUNCIL WILL TRANSMIT LIST TO COUNCIL WITHIN NEXT TEN DAYS. USREP WOULD APPRECIATE GUIDANCE RE SIZE, MEMBERSHIP, CHAIRMANSHIP AND HANDLING OF REPORT BY COUNCIL IN SPRING SESSION.

4. REGARDING OTHER DECISIONS BY COUNCIL (PARA 10 OF CWP), COUNCIL ADOPTED (A); ADOPTED (B) BUT ON INSISTANCE NIGERIA BROADENED IT TO INCLUDE "NOTING THE ENTIRE REPORT"; ADOPTED (C) FOR FUTURE ACTION; UNDER (C), (1) ADOPTED AS PRESENTED; UNDER (2) ADOPTED PARA WITH CHANGES PER FOLLOWING PARA; (3) WAS MODIFIED AS A CONSEQUENCE OF AN AMENDMENT SUGGESTED BY SECGEN. SECGEN PROPOSED TO INSERT FOLLOWING PHRASE AFTER "INVITE" IN FIRST LINE; "THE CONTRACTING STATES, WITH THE EXCEPTION OF PORTUGAL AND SOUTH UNCLASSIFIED

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PAGE 03 MONTRE 01891 062235Z

AFRICA". FOLLOWING STRONG OBJECTIONS BY UK AND FRANCE (WHO POINTED OUT RECENT FAVORABLE UNGA ACTION ON PORTUGAL), IT WAS AGREED THAT PORTUGAL WILL NOT BE AN EXCEPTION IN THIS CASE IF UN ACTION BRINGS RECENT ICAO ASSEMBLY RESOLUTION INTO FORCE. PRES ADDED AN OPENING PHRASE "IN ADDITION TO THE USUAL INVITATIONS TO DIPL CONS" WHICH RESPONDED TO LESS SPECIFIC POINT BY UK, WHO FELT THAT ALL STATES HAVE RIGHT TO ATTEND A DIPL CON WHICH IS CONVENED BY ICAO. THE OTHER CHANGE IN SUB-PARA (3)

WAS INSERTION OF FOLLOWING PHRASE IN LAST LINE AFTER WORLD
"VOTE" "AND INTERNATIONAL ORGANIZATIONS INVITED TO THE LEGAL
COMMITTEE, AS OBSERVERS". ACTION ON SUB-PARA (4) IS DISCUSSED
ABOVE. REGARDING (E) COUNCIL ADOPTED THE ACTION PROPOSED IN-
CLUDING THE WG MEETING IMMEDIATELY FOLLOWING THE SUB-COMMITTEE.
ANOTHER ITEM AGREED TO WAS: THE SECRETARIAT WILL PROVIDE TO
DIPL CON ECONOMIC DATA ON AN UP-DATED BASIS WITH RESPECT TO
"VALUE AND WEIGHT OF GOODS BY AIR" AS SUBMITTED TO LEGAL COMMITTEE
PREVIOUSLY BY AIR TRANSPORT COMMITTEE.

FYI: EARLIER DISCUSSION BORDERED ON SUBSTANTIVE CONSIDERA-
TIONS AS RESULT OF LONG INTERVENTION BY JAPAN ON POSSIBLE
CONFLICTS BETWEEN NEW INSTRUMENT AND WARSAW/HAGUE. APPARENTLY
HE WAS INSISTING THAT NEW INSTRUMENT SHOULD NOT BE INDEPENDENT
BUT SHOULD BE AMENDMENT TO WARSAW AS AMENDED BY HAGUE. DIRECTOR
LEGAL BUREAU POINTED OUT LEGAL COMMITTEE POSITION THAT NEW
PROTOCOL WILL NOT BE SUBORDINATE TO GUATEMALA BUT AUTONOMOUS.
ITALY EMPHASIZED NEW INSTRUMENT MUST BE INDEPENDENT SO STATES
CAN RATIFY WITHOUT RATIFYING GUATEMALA. END FYI.

5. ITEM 3 C-OB 83/5 REPORTED SEPTTEL.
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